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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,562	05/20/2002	James Quentin Stafford-Fraser	MARSP0128US	8774

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EXAMINER

BOUTAH, ALINA A

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/030,562	STAFFORD-FRASER ET AL.	
Examiner	Art Unit	
Alina N. Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 15, 2002 is being considered by the examiner.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The use of trademarks such as Microsoft Netmeeting, Teleporting, etc. have been noted in this application. They should be capitalized wherever they appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

Claims 22-32, 36-37, 41-42, 44-47, 56-63 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,619,555 issued to Fenton et al. (hereinafter referred to as Fenton) in view of USPN 5,884,032 issued to Hateman et al. (hereinafter referred to as Hateman).

Regarding claim 22, Fenton teaches a communication system comprising:

a first endpoint device having an audio transducer and a display screen (figures 1 and 4); and a first server which has residing therein at least one application which affects the image on at least one portion of the screen and which server performs signaling for controlling an audio connection between the first endpoint device and a remote device (figure 1: 12).

However, Fenton does not explicitly teach a network connecting the first endpoint device to the server by a non-dedicated communication path.

Hateman teaches connecting an endpoint to a server by a non-dedicated communication path (col. 6, lines 28-30). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a non-dedicated communication path because non-dedicated connection provides dynamic allocation of circuits between switches and access nodes, thus enabling better load distribution in the network.

Regarding claim 23, Fenton teaches a system as claimed in claim 22, in which the first server contains sufficient information to be able to regenerate an image on at least one portion of the screen (figure 8).

Art Unit: 2143

Regarding claim 24, Hateman teaches a system as claimed in claim 22, in which the network is a packet switching network (col. 6, line 66 to col. 7, line13).

Regarding claim 25, Fenton teaches a system as claimed in claim 22, in which the first endpoint device contains insufficient information to permit regeneration of the image on the at least one portion of the screen (figure 4).

Regarding claim 26, Fenton teaches a system as claimed in claim 22, comprising a plurality of second endpoint devices, each of which is of the same type as the first endpoint device (figure 1).

Regarding claim 27, Hateman teaches a system as claimed in claim 22, comprising a plurality of second servers, each of which is of the same type as the first server, the first and second servers being connected together by the network (figure 1: 24 and 28).

Regarding claim 28, Fenton teaches a system as claimed in claim 22, in which the network includes a public switched telephone network (figure 1:20).

Regarding claim 29, Fenton teaches a system as claimed in claim 22, in which the first endpoint device comprises a frame buffer for storing display data in a display format ready for display by the screen (col. 3, lines 4-19).

Regarding claim 30, Fenton teaches a system as claimed in claim 29, in which the first endpoint device comprises an updating circuit for replacing data in the frame buffer with fresh data in a transmission format from the first server (col. 3, lines 21-36).

Regarding claim 31, Fenton teaches a system as claimed in claim 30, in which the first endpoint device comprises an interface for interfacing between, on a first side, the updating circuit and the transducer and, on a second side, the non-dedicated communication path (abstract).

Regarding claim 32, Fenton teaches a system as claimed in claim 31, in which the non-dedicated communication path is a single channel path carrying audio and non-audio data (figure 2).

Regarding claim 36, Fenton teaches a system as claimed in claim 22, in which the at least one application supplies the data for affecting the image to the first endpoint device in response to a request from the first endpoint device (figure 4).

Regarding claim 37, Fenton teaches a system as claimed in claim 30, in which at least one application converts the data for affecting the image from an application format to the transmission format (figure 7).

Art Unit: 2143

Regarding claim 41, Fenton teaches a system as claimed in claim 22, in which the screen is an interactive screen for initiating the audio connection (figure 9).

Regarding claim 42, Fenton teaches a system as claimed in 41, in which the at least one application sends, to the first endpoint device, display data for producing an image of a control on at least one portion of the screen (figure 12).

Regarding claim 44, Fenton teaches a system as claimed in claim 42, comprising a plurality of second endpoint devices, each of which is of the same type as the first endpoint device, and in which the image of the control comprises a plurality of images, each of which represents a respective one of the second endpoint devices (figure 12).

Regarding claim 45, Fenton teaches a system as claimed in claim 44, in which each of the plurality of images comprises a character string identifying the respective one of the second endpoint devices (figure 12).

Regarding claim 46, Fenton teaches a system as claimed in claim 42, in which the image of the control comprises a plurality of images, each of which represents a respective subscriber of the network (figure 8).

Art Unit: 2143

Regarding claim 47, Fenton teaches a system as claimed in claim 46, in which each of the plurality of images comprises a character string representing the name of the respective subscriber (figure 8).

Regarding claim 56, Fenton teaches a system as claimed in claim 22, in which, after initiating the audio connection, at least one part of the screen displays a further image representing image data supplied by a remote apparatus (figure 8).

Regarding claim 57, Fenton teaches a system as claimed comprises the remote device in claim 56, in which the remote apparatus comprises the remote device (figure 1).

Regarding claim 58, Fenton teaches a system as claimed in claim 56, in which the remote apparatus comprises a remote server (figure 1).

Regarding claim 59, Fenton teaches a system as claimed in claim 58, in which the remote server serves the remote device (figure 1).

Claim 60-62 are similar to claim 22, therefore is rejected under the same rationale.

Regarding claim 63, Fenton teaches a method as claimed in claim 60, comprising using the screen for initiating the audio connection (figure 8).

Art Unit: 2143

Regarding claim 65, Fenton teaches a method as claimed in claim 60, comprising, after initiating the audio connection, displaying at least one part of the screen a further image representing image data supplied by a remote apparatus (figure 8).

Claims 33-35, 38-40, 43, 48-55 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Hateman, in further view of USPN 5,923,327 issued to Smith et al. (hereinafter referred to as Smith).

Regarding claim 33, Fenton and Hateman fail to explicitly teach a system as claimed in claim 22, in which the first endpoint device comprises a position measuring system for measuring the position of a pointer relative to the screen. Smith teaches a position measuring system for measuring of a pointer relative to the screen of a first endpoint (figure 20A). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ a position measurement in order to allow user to move objects into a desired position.

Regarding claim 34, Smith teaches a system as claimed in claim 31, in which the first endpoint device comprises a position measuring system for measuring the position of a pointer relative to the screen (figure 20).

Regarding claim 35, Smith teaches a system as claimed in claim 34, in which the position measuring system comprises a position measuring transducer and a converter connected to the

Art Unit: 2143

interface on the first side for converting the measured relative position to data representing coordinates of the measured relative position (figure 20).

Regarding claim 38, Smith teaches a system as claimed in claim 36, in which the at least one application supplies data for affecting the image to the first endpoint device via a first in/first out buffer (figure 20).

Regarding claim 39, Smith teaches a system as claimed in claim 38, in which, when the buffer contains first and second items of the data for affecting the image, which first item was supplied to the buffer before the second item and which first and second items contain image data for the same region of the screen, the at least one application deletes the image data from the first item (figure 10).

Regarding claim 40, Smith teaches a system as claimed in claim 37, in which the at least one application forms the data for affecting the image as a sequence of blocks, each of which comprises a polygonal region of the screen and coordinates representing the position of the polygonal region on the screen (figure 10).

Regarding claim 43, Smith teaches a system as claimed in claim 42, in which the image of the control comprises an image of a keypad (figure 8B).

Regarding claim 48, Smith teaches a system as claimed in claim 46, in which each of the plurality of images comprises a representation of the appearance of the respective subscriber (figure 12).

Regarding claim 49, Smith teaches a system as claimed in claim 42, in which the first endpoint device comprises a pointer measuring system for measuring the position of a pointer and in which the first endpoint device supplies the position of the pointer to the at least one application, which stores the position on the screen of the image of the control and compares the stored position with the measured position of the pointer for initiating the audio connection (figure 20).

Regarding claim 50, Smith teaches a system as claimed in claim 33, comprising a plurality of second endpoint devices, each of which is of the same type as the first endpoint device, and in which the at least one application causes, after initiation of the audio connection between the first endpoint device and a selected one of the second endpoint devices, the screen of the first endpoint device to display a first path image comprising a first path representing at least some of consecutively measured positions of the pointer relative to the screen of the selected second endpoint device (figure 20).

Regarding claim 51, Smith teaches a system as claimed in claim 50, in which the at least one application causes the screen of the selected second endpoint device to display the first path image (figure 10).

Art Unit: 2143

Regarding claim 52, Smith teaches a system as claimed in claim 50, in which the at least application causes the screen one of the first endpoint device to display a second path image comprising a second path representing at least some of consecutively measured positions of the pointer relative to the screen of the selected second endpoint device (figure 20).

Regarding claim 53, Smith teaches a system as claimed in claim 52, in which the at least one application causes the screen of the selected second endpoint device to display the second path image (figure 20).

Regarding claim 54, Smith teaches a system as claimed in claim 52, in which the first and second paths are visually distinguishable from each other (figure 8).

Regarding claim 55, Smith teaches a system as claimed in claim 54, in which the first and second paths are of different colors (figure 10).

Regarding claim 64, Smith teaches a method as claimed in claim 60, in which the first endpoint device has a position measuring system for measuring the position of a pointer relative to the screen and the system comprises a plurality of second endpoint devices, each of which is of the same type as the first endpoint device, the method comprising, after initiation of the audio connection between the first endpoint device and a selected one of the second endpoint devices, causing by means of the at least one application the screen of the first endpoint device to display

Art Unit: 2143

a path image comprising a first path representing at least some consecutively measured positions of the pointer relative to the screen of the selected second endpoint device (figure 8).

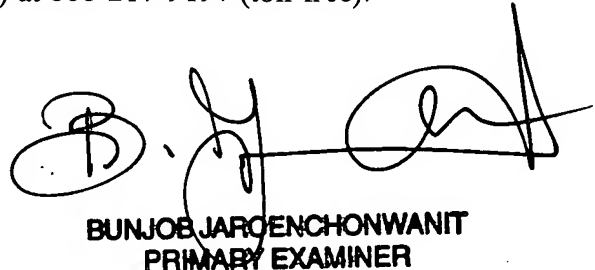
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER